

5101:2-33-26

The county child abuse and neglect memorandum of understanding.

- (A) The county child abuse and neglect memorandum of understanding, hereinafter referred to as the memorandum, is a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities pursuant to division (J)(2) of section 2151.421 of the Revised Code: when conducting a child abuse or neglect assessments/investigation. The purpose of the memorandum is to clearly delineate the role and responsibilities of each official or agency in assessing or investigating child abuse or neglect in the county. The respective duties and requirements of all involved shall be addressed in the memorandum.
- (B) Each public children services agency (PCSA) shall prepare a memorandum that is signed by all of the following parties:
- (1) The juvenile judge of the county or the juvenile judge's representative; or if there is more than one juvenile judge in the county, a juvenile judge or the juvenile judge's representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative.
 - (2) The county peace officer.
 - (3) All chief municipal peace officers within the county.
 - (4) Other law enforcement officers who ~~whandling~~ handle child abuse and neglect cases in the county.
 - (5) The prosecuting attorney of the county.
 - (6) If the PCSA is not the county department of job and family services (CDJFS) , the CDJFS.
 - (7) The county humane society.
 - (8) If the PCSA participated in the execution of a memorandum under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center, established by the memorandum.
- (C) The memorandum shall include all of the following:

- (1) A statement that failure to follow procedures set forth in the memorandum by the concerned officials is not grounds for, and shall not result in the dismissal of any charges or complaints arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or neglect and does not give, and shall not be construed as giving, any rights or grounds for appeal or post-conviction relief to any person.
- (2) The PCSA's system for receiving reports of child abuse and neglect twenty-four hours per day, seven days per week. If the PCSA contracts with an outside source to receive after-hour calls, a copy of a signed agreement must be attached to the memorandum which indicates that all reports with identifying and demographic information of the reporter and principals of the report will be forwarded to a designated PCSA worker within an hour of receipt and that confidentiality requirements will be met. In addition, when the PCSA contracts with an outside source, the PCSA must include in the memorandum its system for informing the general public of the after-hours phone number, as applicable.
- (3) The roles and responsibilities of all concerned officials for handling responding to emergency and non-emergency cases reports of child abuse and neglect.
- (4) A system for consultation among subscribers as it is deemed necessary to protect children. The county's system for consultation shall include at a minimum the PCSA's protocol for consulting with law enforcement, the prosecuting attorney's office, the juvenile judge, and if applicable, the children's advocacy center established pursuant to section 2151.426 of the Revised Code, ~~if applicable~~, for any cases which may require their intervention or assistance.
- (5) Standards and procedures for handling and coordinating joint investigations of reported cases of child abuse and neglect including sharing of investigative reports and procedures specific to cases which:
 - (a) Involve out-of-home care child abuse or neglect.
 - (b) ~~Require third party involvement.~~ investigative procedures and the assistance of law enforcement.
 - (c) ~~Require~~ Involve an emergency requiring immediate response law enforcement to immediately respond.

- (d) Involve a child death in which abuse or neglect is suspected as the cause of death.
 - (e) Involve alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions.
 - (f) Involve the death of a child who is in the custody of the PCSA in accordance with rule 5101:2-42-89 of the Administrative Code.
 - (g) Involve alleged child abuse and/or neglect constituting a crime against a child and require a joint assessment/investigation with law enforcement. The procedures shall include a statement of assurance as to how the PCSA will ensure child safety and not compromise the child protective assessment/investigation while concurrently assisting law enforcement with the criminal investigation.
- (6) A statement addressing the PCSA's policy for requesting the assistance of law enforcement, which may include, but is not limited to:
- (a) The PCSA has reason to believe the child is in immediate danger of serious harm.
 - (b) The PCSA has reason to believe the worker is, or will be in danger of harm.
 - (c) The PCSA has reason to believe that a crime is being committed, or has been committed against a child.
 - (d) An exigent circumstance exists.
 - (e) The PCSA worker must conduct a home visit after regular PCSA business hours and a law enforcement escort is requested as a standard operating procedure.
 - (f) The PCSA is removing a child from her/his family via an order of the court and the assistance of law enforcement is needed as the PCSA has reason to believe the family will challenge the removal.
 - (g) The PCSA must conduct an assessment/investigation at a known drug house and a law enforcement escort is needed.
 - (h) The PCSA is working with a client who has a propensity toward violence and the assistance of law enforcement is needed to ensure the safety of all involved.

(i) The PCSA is working with a family that has historically threatened to do harm to PCSA staff.

(7) A statement regarding the processes and procedures to attempt to ensure the assistance of law enforcement is obtained timely in cases where child abuse or neglect is alleged in order to ensure child safety and conduct investigative activities within the maximum forty-five day time frame afforded PCSAs to complete abuse/neglect assessment/investigations, as specified in rule 5101:2-36-11 of the Administrative Code.

~~(6)~~(8) Methods to be used in interviewing the child who is the subject of the report.

~~(7)~~(9) Standards and procedures addressing the categories of persons who may interview the child who is the subject of the report.

~~(8)~~(10) A system for the elimination of all unnecessary interviews of a child who is the subject of the report.

~~(9)~~(11) A system for receiving and responding to reports involving:

(a) Individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court.

(i) Becoming a dependent or neglected child.

(ii) Becoming an unruly or delinquent child.

(iii) Leaving the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution.

(b) Missing children.

~~(10)~~(12) Standards and procedures for removing and placing children on an emergency and non-emergency basis.

~~(11)~~(13) The PCSA's system for notifying the county prosecuting attorney or city director of law when any mandated reporter of child abuse or neglect fails to report suspected or known child abuse or neglect.

~~(12)~~(14) The PCSA's system for notifying the county prosecuting attorney or city

director of law when there is unauthorized dissemination of confidential PCSA information.

(D) In accordance with rule 5101:2-5-13.1 of the Administrative Code, the memorandum may address how the PCSA would continue to maintain operations including, but not limited to, receiving and investigating child abuse and/or neglect reports in the event of a disaster.

~~(D)~~(E) All PCSAs shall submit a written copy of the memorandum to the appropriate Ohio department of job and family services (ODJFS) field office, within ninety days of the effective date of this rule. If at any time the PCSA amends the memorandum, then an updated copy shall be submitted to the appropriate ODJFS field office.

(1) The PCSA shall submit a written copy of any amendment to the memorandum to the appropriate ODJFS field office within ninety days of amendment.

(2) If amendment to the memorandum is necessary because of revisions to this rule, the PCSA shall submit a written copy of the revised memorandum to the ODJFS field office within ninety days of the effective date of this rule. The revised memorandum shall be signed by all parties to the memorandum.

Effective: 08/25/2008

R.C. 119.032 review dates: 11/30/2010

CERTIFIED ELECTRONICALLY

Certification

07/11/2008

Date

Promulgated Under: 119.03
Statutory Authority: 2151.421
Rule Amplifies: 2151.421
Prior Effective Dates: 4/1/83, 1/1/87, 4/1/87 (Emer.), 7/1/87, 1/1/88, 10/1/91,
10/1/95, 4/11/96, 10/1/97 (Emer.), 12/30/97, 2/1/03,
4/17/06